

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

✻

CRIMINAL NO: 09-049

V.

✻

SECTION: “L”

JOSEPH BRUSSEL

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FACTUAL BASIS

Should the above captioned matter proceed to trial, the government would prove through the introduction of competent evidence, comprised of admissible tangible exhibits and witness testimony, the facts set forth hereinbelow. The defendant, **JOSEPH BRUSSEL**, represented through undersigned counsel, hereby agrees and stipulates that the following facts constitute a sufficient factual basis for the crime to which the defendant has agreed to plead guilty:

The Government's evidence would prove that on April 5, 2008, the Carnival Cruise Ship Fantasy, on a regularly scheduled departure, left the port of New Orleans for a five-day cruise to the Western Carribean, including to ports in Cozumel and Progreso, Mexico. The cruise ship was schedule to return to the port of New Orleans on April 10, 2008. The defendant, **JOSEPH BRUSSEL**, a United States citizen and resident of the state of Missouri, was a passenger on

board the cruise ship and had joined other family members and friends as members of a wedding party.

During the early morning hours of April 6, 2008, while the cruise ship was underway on the high seas in the Gulf of Mexico approximately 50 miles off the coast of Louisiana, Mr. Brussel joined other family members and friends in a disco lounge on board the ship. Ayrán Caling would testify that he is a security officer employed by Carnival Cruise Lines and was on board the Fantasy in the disco lounge at the time defendant Brussel entered. Mr. Caling would testify that at approximately 1:45 a.m. he observed Mr. Brussel drinking alcohol from a wine glass on the dance floor and that Mr. Brussel appeared to be intoxicated. The Government would introduce a photograph of a sign posted in the lounge expressly prohibiting alcohol on the dance floor. Officer Caling would further testify that he advised Mr. Brussel that no drinking was allowed on the dance floor. Officer Caling and other witnesses would testify that Mr. Brussel began arguing with the security officer.

Officer Caling and other witnesses would testify that Officer Caling placed a hand on Mr. Brussel and escorted him off the dance floor while Mr. Brussel continued to argue with Mr. Caling. Mr. Caling and other witnesses would testify that, once off the dance floor, Mr. Brussel turned at Officer Caling and directed comments at him that placed Caling in fear of physical assault. Moments later, as the officer and other witnesses would testify, Mr. Brussel suddenly turned and, without physical provocation, struck Mr. Caling in the face with the same hand with which he was holding the wine glass. The wine glass broke and cut Mr. Caling on the cheek in

several locations. Mr. Brussel fled and was subsequently tackled by other security officers in a nearby hallway. Officer Caling was taken to the ship's infirmary and received stitches for the several lacerations on his face.

READ AND ACCEPTED BY:

JOSEPH BRUSSEL
Defendant

PETER M. THOMSON
Assistant United States Attorney

PROVINO C. MOSCA
Attorney for the Defendant